

**Commissioners Meeting  
May 7, 2013**

**Present:** David Gogel, AL Logsdon, Mickey Toler, Chuck Painter, Tara Lloyd, Attorney Jeff Lindsey, Deputy Auditor Autumn Winkler

**Absent:** Auditor Jane Lynam

Meeting was called to order by President David Gogel at 8:15 A.M.

**Minutes**

Logsdon made a motion to approve the April 16<sup>th</sup> Commissioners minutes. Toler seconded the motion, motion was approved.

**Claims**

Toler made a motion to approve the claims, Batch 2801 in the amount of \$497,158.94. Logsdon seconded the motion, motion was approved.

**Highway Report**

Painter presented the Operational Report from the Highway Department for the Commissioners to sign. He will provide copies for everyone at the next meeting, the Auditor needs one to keep, one needs to be sent to SBOA, and one to LTAP.

Logsdon reported that we may be getting an increase of \$60,000 per year for the next two years on MVH funds; \$60,000 is a ballpark figure, not a firm figure. Whoever is in charge of tracking the funds must be able to provide very good proof of how the additional funds are spent over the two year period.

The Engineer and Office Manager at the Highway Department here in Spencer County kept such accurate records of CEDIT funds spent over the last four years that we forwarded this to Senator Kenly, showing that Spencer County, although we don't have the Wheel Tax, is spending money we generate on a local level to supplement the MVH funds to provide the road maintenance that we currently have. They were unaware that counties that didn't have the Wheel Tax were making such a tremendous effort at the local level to supplement MVH funds. We should know by July how our monthly distribution will increase.

Painter talked about the Troy Refinery Site where we have waste water standing in holes that were drilled earlier. Brian Kleeman had contacted Painter and explained that the water needed to be pumped out and disposed of. Logsdon said since we deal with Elliot Englert on this project we should contact him and see what he has to say. Commissioners felt that we should just let it dry up.

Painter then explained that he was in need of new mowers. We have three and they are about 18 years old, and only two of those are working, one is down and can't be repaired. Logsdon made a motion to have Painter get a minimum of two quotes for a replacement side arm mower by the next meeting.

Toler seconded the motion, motion was approved.

Gogel said he had received call from Holiday World asking about running their employee bus on county roads. Painter and the Commissioners didn't see a problem.

Gogel explained that he was on the agenda for the Santa Claus Town Board meeting on the 13<sup>th</sup> of May to see if we could get something worked out on Valentine Road.

**Engineer Report**

Lloyd explained that Painter was passing out copies of a letter that she had received from Rusty Fowler in response to our letter to them concerning the Orchard Road and State Road 66 intersection. The letter lines out what they were doing immediately, most of those changes have already been done. The last paragraph talks about what they are going to do. If she hasn't heard anything in a week she will contact them to see what is going on.

Lloyd said she had received an email from Daniel Gautier with DNR concerning the Spencer County Huffman Mill Mitigation Site. Phil Leibering had checked the site and explained that 80% of the site is already covered in saplings, and could see no reason to destroy the trees that are growing just to plant new ones. Gautier is to meet us at the site tomorrow at 11:00 to see what his opinion is.

Lloyd said that our first bid would be Old State Road from 900 to State Road 62, this will be bid at the next meeting on May 21<sup>st</sup>, and will probably do one bid at every meeting thereafter until we are done.

Toler said he had received a phone call from Alexis Corporation, the company that owns Barmet, requesting us to reevaluate CR 50 in Ohio Township. They are continually having trash dumped out there, and the fence has been destroyed three times and had to be repaired. They would like to put up a cable or something, next to CR 200, for 100 feet, so people could still have room to turn around, the farmers needing access would have a key to get back there. Lindsey said that as long as the farmers needing access agreed, he couldn't see a problem. Logsdon said we should have a form drawn up for each person to sign giving their consent to put the cable up. The company could have them signed and turn them back into Lindsey's office.

**Legal Report**

Lindsey explained that he had met with the Animal Control Board at their last meeting and an issue that came up was a case in which a large number of animals were impounded due to a complaint of abuse or neglect. Five of the animals were adopted out, but a court order stopped the last four animals from

being destroyed. This caused some concern because of the cost of taking care of the animals. In Lindsey's research he found that the Statute provides that if there is a dog impounded on an abuse or neglect charge, a bond must be posted within 10 days to pay for the storage of that animal for 30 days, if not posted the animal shelter is free to dispose of that animal. We made some minor adjustments in the Ordinance to accommodate that. That is primarily in Section 5 just to make sure that we are in compliance with the Statute. The order didn't take into consideration the Statute, so Lindsey filed a motion to intervene and we got a quick hearing and the defendant in the case agreed to allow the other 4 animals to be disposed of.

The Animal Control Board has taken in 181 dogs in 6 months and has a 93% adoption rate. Joy Zook has put together an impoundment form to be given to the animal owner to give notice of the requirement of posting the bond. The Ordinance has some more minor tweaks, Lindsey's suggestion was to have the first reading of the Ordinance today and have the second reading at the next meeting.

Logsdon made a motion to approve the first reading of Ordinance No. 2013-03. Toler seconded the motion, motion was approved.

Lindsey brought up the annexation Rockport wanted to do, annexing the park into Rockport. He said this would be a benefit to the county for Rockport to go ahead with the annexation.

#### **Ambulance**

Murray Stout reported that they had a contract with Crossroads Ambulance Service for the remount. At the Commissioners request, he got quotes from two local banks on financing the cost of the remount. Spencer County Bank gave a quote of \$14,093. With a percentage rate of 4.25% with 3 annual payments, Freedom Banks quote was \$80,093 with an interest rate of 1.77% with 3 annual payments. Logsdon made a motion to finance the remount with Freedom Bank. Toler seconded the motion, motion was approved. Stout asked how they wanted him to proceed, did they want him to have the bank draw up a contract and bring it back to them to sign or did they want him to sign as their representative. Lindsey suggested waiting to see what the bank actually requires.

#### **Owensboro Health System**

Logsdon said he spoke to the Chief Financial Officer and his assistant at the new Owensboro Health System; he told them we would like for them to consider offering us the service to our inmates at the same financial cost as it is in Indiana. They verbally agreed, but do we need to create a statement for them to sign or should they send us a statement stating what our cost will be. Lindsey replied that we could start the process by sending them a request to confirm that we have had this conversation and see what they require. Lindsey will create a draft for the Commissioners to look over at the next meeting.

#### **911 Conference**

Logsdon reported that he had attended the 911 Conference in Indianapolis and Barry Ritter, the Executive Director, spoke at length about making sure that dispatchers could send and receive 911 text messages. This is coming, 20 counties already have the capabilities; this technology will be available by June 2014. All PSAP'S, in the State of Indiana, or dispatch centers will be required to have the technology installed that allows you to receive a 911 text message. Something else on the horizon is for all dispatchers to be certified by NIMS. The point of working with the pipe line operators to know what they are carrying and where they are located was also stressed. We must be aware of this information so the Haz Mat team could get there if there were a problem.

Gogel reported that every spring there is a seminar put on by the pipeline consortium; EMA, fire departments, law enforcement officials all attend and they educate you in what to do and what not to do.

#### **Region 15**

Gogel reported that he had attended the Indiana Region 15 meeting; he reported that the thing they stressed the most was for the County to check the project list and do a project prioritization. He passed out copies to everyone so they could check it.

#### **Lincoln Heritage Library Board Appointment**

The Library Board had asked to have Debbie Fischer appointed to the Lincoln Heritage Public Library Board for a term of four years.

Logsdon made a motion to appoint Debbie Fischer to the Lincoln Heritage Public Library Board for a 4 year term. Toler seconded the motion, motion was approved.

#### **Jarboe Letter**

A letter was received from James Jarboe complaining because Therese Cail, Planning and Zoning Administrator, wouldn't give him an address. Cail explained that the property would be hard to address because it sits in the middle of the property, there is an old cabin on the property and if we give him an address it would give someone the okay to live there. 911 addresses are only given to residential property, not recreational properties. Cail will contact Jarboe and explain that the County will issue an address if or when he begins to reside there.

#### **Gay Ann Harney-Grant**

Harney explained that she was applying for a Hoosier History Grant, this is a \$5,000 grant with a \$5,000 Grant match. Harney said she would use money from the Clerk's Perpetuation Fund for the \$5,000 match. She plans to preserve the Marriage Records and plans to get 100 years done, and hopes to get

them put online, with the Commissioners permission. This grant should cover about 20 books at \$475 per book. Toler made a motion to let Harney go ahead and apply for the grant. Logsdon seconded the motion, motion was approved.

#### **Old Business**

Gogel explained that the Commissioners had received 2 quotes to replace the wall between the old jail and the Limp property, and he felt they were both to high. Logsdon said he felt we should table it and look at it again later.

#### **Vectren**

Gogel explained that Vectren made a mistake on the account numbers when they did the original agreement with ProLiance, and were asking that the account numbers be updated.

Logsdon made a motion to approve the updating of the account information needed by ProLiance, the marketer, for our natural gas for county offices. Toler seconded the motion, motion was granted.

#### **Recess**

Logsdon made a motion to recess the Commissioners meeting until 11:15 A.M. Toler seconded the motion, motion was approved. Meeting was recessed at 10:00 A.M.

#### **Reconvening of Meeting**

Gogel reconvened the Commissioners meeting at 11:15 A.M. for the Public Hearing on Unsafe Building Ordinance Violation.

No one from First Phildelphia Ministries was present.

Lindsey presented a copy of the Order of the Enforcement Authority, Phil Brown, copy of Ordinance No 2013-02 and a copy of the Indiana Statute Chapter IC 36-7-9 citing unsafe building law which was sent to First Phildelphia Ministries, Inc. at 1337 Hepburn Ave, Louisville, Kentucky 40204. One was sent by certified mail on April 23, 2013 and signed for on April 25, 2013 by Ronald L. McDonald as an agent of Phildelphia Ministries. Another copy sent by standard mail on April 23, 2013, was never returned so Lindsey said he was sure they had been properly notified.

The meeting was then turned over to Enforcement Officer, Building Commissioner Phil Brown for his presentation. Brown submitted evidence in a handout of pictures he had taken on May 6, 2013 and under each picture he cited the code violation. Nothing had changed since the first inspection on April 9, 2013. Brown presented a Findings and Order on Unsafe Buildings signed on April 22, 2013.

Lindsey stated that after hearing Brown's testimony and reviewing his submissions you need to consider the Findings and Order to determine the original Order that Brown entered on April 22 and then you find that these buildings are unsafe buildings under IC 36-7-9-4. The original Order gave them 90 days to complete demolition and they now have 10 days from the issuance of this finding to file a lawsuit in Circuit Court appealing this decision.

Toler made a motion to approve the Findings and Order on Unsafe Buildings. Logsdon seconded the motion, motion was approved.

Lindsey explained that during the time they wait for a response they could get some kind of idea of what it would cost to do the demolition. Brown had asked one contractor to give a preliminary bid on an approximate cost of demolition; that price was between \$190 and \$200 thousand. Gogel said he thought the Commissioners should get information together so they could proceed, if they have to, with the demolition and cleanup. Lindsey explained that if the county does the clean up, and Phildelphia Ministries doesn't pay for it, then it will be added to the tax bill as a lien against the property.

Toler made a motion to adjourn. Logsdon seconded the motion, motion was approved.

Meeting was adjourned at 11:31 A.M.

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President

Attest:

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Auditor